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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 10th November, 1986:—

BILL NO. 116 OF 1986

A Bill further to amend the Atomic Energy Act, 1962.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Atomic Energy (Amendment) Act, 1986.

(*2*) It shall be deemed to have come into force on the 21st day of September, 1962.

Amendment of section 6.

33 of 1962.

2. In section 6 of the Atomic Energy Act, 1962 (hereinafter referred to as the principal Act),—

(*a*) in sub-section (*2*),—

(*i*) for the words and figures "proposes to acquire it and upon the service of the notice and the payment of compensation in accordance with section 21", the words "proposes to compulsorily acquire it and upon the service of the notice" shall be substituted;

(*ii*) the proviso shall be omitted;

(*b*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(3) Compensation in respect of acquisition under sub-section 2) shall be paid in accordance with section 21 and in determining such compensation regard shall be had to the cost of production of such mineral, concentrate or other material and such other factors as may be relevant, but no account shall be taken of the value of uranium in its natural state contained therein.".

Insertion of new Section 11 A. Removal of doubts.

3. After section 11 of the principal Act, the following section shall be inserted, namely:—

"11A. For the removal of doubts, it is hereby declared that the compulsory acquisition of any mineral, concentrate or other material under sub-secion (*2*) of section 6, or of any substance, minerals, equipment or plant under sub-section (*1*) of section 11, shall not be deemed to be a sale for any purpose whatsoever.".

STATEMENT OF OBJECTS AND REASONS

Clause 2 of the Bill seeks to amend section 6 of the Atomic Energy Act, 1962 retrospectively so as to provide that payment of compensation for compulsory acquisition of minerals, concentrates and other materials under that section should, instead of being a condition precedent to their acquisition, be a condition to be given effect to after such minerals, concentrates or other materials become the property of the Central Government, so as to repel any doubt that compulsory acquisition of such minerals, concentrates and other materials under that section will amount to sale. A new section 11A is also proposed to be inserted retrospectively so as to make it clear beyond doubt that the compulsory acquisition under sections 6 and 11 shall not be deemed to be a sale for any purpose whatsoever.

NEW DELHI;
The 30th October, 1986.

K. R. NARAYANAN.

FINANCIAL MEMORANDUM

Clause 2(b) of the Bill seeks to insert a new sub-section (3) in section 6 of the principal Act so as to provide that the compensation for mineral, concentrate or other material becoming the property of the Central Government under sub-section (2) of section 6 shall be paid in accordance with the provisions of section 21, having regard to certain factors specified therein.

2. It is not possible to indicate with any degree of accuracy the expenditure to be incurred from the Consolidated Fund of India for payment of compensation as it would depend on the extent to which the acquisition of the mineral, concentrate or other material is necessary depending upon the programme for the atomic energy development in the country. Since the incidence of payment of compensation under the proposed sub-section (3) and the existing provision in section 6 is the same, no additional expenditure from the Consolidated Fund of India is, therefore, anticipated.

BILL No. 119 OF 1986

A Bill further to amend the Indian Post Office Act, 1898.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Post Office (Amendment) Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Amendment of section 1.

6 of 1898.

2. In section 1 of the Indian Post Office Act, 1898 (hereinafter referred to as the principal Act), in sub-section (*1*), the word "Indian" shall be omitted.

Amendment of section 2.

3. Section 2 of the principal Act shall be re-numbered as sub-section (*1*) of that section, and—

(*a*) in sub-section (*1*) as so re-numbered,—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

'(*a*) the expression "Director General" means the Director General of Posts and includes any other officer authorised to exercise the powers of the Director General;';

(*ii*) in clause (*d*), for the words "or Her Majesty's Government or the Government of any British possession or foreign country", the words "or the Government of any foreign country" shall be substituted;

(*iii*) in clause (*i*), after the word "letter,", the word "letter-card," shall be inserted;

(*iv*) for clause (*j*), the following clause shall be substituted, namely:—

'(*j*) the expression "Post Master General" includes an Additional Post Master General, a Director of Postal Service or any other officer exercising the powers of the Post Master General;';

(*v*) after clause (*k*), the following clause shall be inserted, namely:—

'(*l*) the expression "stamping machine" means a machine used to affix impressions to indicate pre-payment of postage or other sums chargeable under this Act and includes a franking machine;";

(*b*) after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.".

Amendment of section 3.

4. In section 3 of the principal Act, in clause (*c*), after the words "according to the usual manner of delivering postal articles to the addressee,", the words "or the placing of a postal article in a letter deposit box kept at the house or office of the addressee or in a post box at the post office rented by the addressee," shall be inserted.

Amendment of section 4.

5. In section 4 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in clause (*b*), the word "and" occurring at the end shall be omitted;

(*ii*) after clause (*b*), the following clauses shall be inserted, namely:—

"(*ba*) letters conveyed and delivered by the sender thereof personally;

(*bb*) documents issued by a court or other authority entitled to issue the same, or any return or answers to such documents sent, conveyed and delivered otherwise than by post;";

(*iii*) in clause (*c*), for the words "either by sea or by land", the words "by land, sea or air" shall be substituted;

(*b*) in sub-section (*2*), for the word "postcards", the words "letter-cards and postcards" shall be substituted.

Insertion of new section 4A.

6. After section 4 of the principal Act, the following section shall be inserted, namely:—

Search and seizure.

"4A. (*1*) Any officer (being an officer not below the rank of a Sub-Divisional Inspector of post offices) authorised by the Central Government by general or special order may, if he has reason to believe that any package containing letters of the nature referred to in sub-section (*1*) of section 4 is, or any such letters are, in any vehicle or other conveyance or in any premises and that such letters are in the process of being carried in contravention of the provisions of that section, search the said vehicle or other conveyance or premises and seize such letters.

2 of 1974.

(*2*) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.".

Amendment of section 5.

7. In section 5 of the principal Act, in clause (*b*), after the words "ports or places in India,"; the words "or owners of, or persons in charge, of any aircraft on a flight between places in India," shall be inserted.

Amendment of section 8.

8. In section 8 of the principal Act,—

(*a*) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) require the pre-payment of postage on inland postal articles or any class of inland postal articles, the grant of any rebate on such postage if it is pre-paid by means of stamping machines or if such postal articles are pre-sorted and posted in such manner as may be specified, and prescribe the manner in which pre-payment shall be made;";

(*b*) in clause (*d*), for the words 'charged for the "express delivery" of postal articles', the words "charged for such service in relation to the delivery of any postal article as may be specified" shall be substituted;

(*c*) the *Explanation* shall be omitted.

Amendment of section 9.

9. In section 9 of the principal Act, in sub-section (2), for clauses (*a*) and (*b*), the following clauses shall be substituted, namely:—

"(*a*) that it is published in numbers at such intervals as the Central Government may specify in the rules made under sub-section (*1*);

(*b*) that it has a *bona fide* list of subscribers;

(c) that it is not a catalogue or price list of any article or commodity sold at concessional rate or of the shares of companies;

(*d*) that it does not contain any business reply card except a business reply card for its subscription;

(*e*) that its transmission by post is otherwise permissible under this Act.".

Amendment of section 10.

10. In section 10 of the principal Act,—

(*a*) in sub-section (*1*), for the portion beginning with the words "Where arrangements are" and ending with the words "such possession or country", the following shall be substituted, namely:—

"Where arrangements are in force with any foreign country for the transmission by post of postal articles between India and such country";

(*b*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) The Central Government may also make rules to give effect to the arrangements referred to in sub-section (*1*) in respect of postal articles other than those to which sections 36 and 46 apply.".

Amendment of section 15.

11. In section 15 of the principal Act, for the words "or to the Post Office of the United Kingdom or of any British possession or foreign country", the words "or to the Post Office of any foreign country" shall be substituted.

Amendment of section 16.

12. In section 16 of the principal Act, in sub-section (*3*), after clause (*d*), the following clause shall be inserted, namely:—

"(*da*) regulate the use of stamping machines;".

Insertion of new section 16A.

13. After section 16 of the principal Act, the following section shall be inserted, namely:—

Power to inspect and seize stamping machine.

"16A. (*1*) Subject to any rules made by the Central Government in this behalf, any officer of a Post Office authorised by the Post Master General, by general or special order, shall, if he has reason to believe that leakage of revenue is being caused as a result of a stamping machine being used in contravention of the provisions of this Act or of any rules in any premises, enter such premises and conduct an inspection of such stamping machine, and if on such inspection, he is satisfied that the stamping machine has been so used, he shall seize the same:

Provided that before entering such premises, such officer shall give a notice in writing of his intention to do so to the occupier of such premises.

(*2*) The Central Government may make rules to provide for the inspection and seizure of a stamping machine under sub-section (*1*) and the manner of dealing with such machine seized under that sub-section.".

Amendment of section 21.

14. In section 21 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) in clause (*d*), the word "and" occurring at the end shall be omitted;

(*ii*) after clause (*e*), the following clauses shall be inserted, namely:—

"(*f*) provide that no sender shall post the postal articles exceeding such number as may be specified therein unless such postal articles are pre-sorted and posted subject to such other conditions as may be specified therein;

(*g*) provide that the delivery of postal articles to an addressee receiving more than such number of postal articles as may be specified therein from a post office shall be made only through a post box rented by him at that post office.";

(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(4) Where, having regard to the exigencies of postal administration, the Central Government considers it necessary or expedient so to do, it may, by order in writing,—

(*a*) direct that unregistered postal articles addressed to an addressee located in a multi-storeyed building or a building with a large compound involving a distance of more than one hundred metres between the outer gate and the building or a building wherein any dog or other dangerous animals are let loose, may be delivered only through a letter deposit box installed for the purpose on the ground floor or, as the case may be, near the gate of such building.

Explanation.—A single letter deposit box or different letter deposit boxes may be installed for different addressees for the purposes of this clause;

(*b*) require the owner or lessee of the building referred to in clause (*a*) to install, or allow any addressee located in such building to install, such letter deposit box.".

Amendment of section 23.

15. In section 23 of the principal Act, in sub-section (*3*), after clause (*b*), the following proviso shall be inserted, namely:—

"Provided that before any such postal article as is specified in clause (*a*) of section 20 is destroyed, notices in writing shall be sent to the sender and the addressee, and the article shall not be destroyed

until after the expiry of one month from the date on which the last of such notices is sent.".

Substitution of new section for section 26.

16. For section 26 of the principal Act, the following section shall be substituted, namely:—

Power to intercept postal articles in certain cases.

"26. The Central Government or the State Government or any officer specially authorised in this behalf by the Central or the State Government, may, if satisfied that it is necessary or expedient so to do in the interests of public safety or tranquillity, the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any offence, or on the occurrence of any public emergency, by order in writing, direct that any postal article or class or description of postal articles in the course of transmission by post, shall be intercepted or detained or shall be disposed of in such manner as the authority issuing the order, may direct.".

Amendment of section 27.

17. In section 27 of the principal Act, in the *Explanation*,—

(*a*) for the words "of any part of India or of His Majesty's Dominions or foreign country", the words "in India or foreign country" shall be substituted; and

(*b*) for the words "Government of such part or country", the words "Government of India or of such country" shall be substituted.

Amendment of section 27C.

18. In section 27C of the principal Act,—

(*a*) for the words, figures and letters "sections 99D to 99F of the Code of Criminal Procedure, 1898", the words and figures "section 96 of the Code of Criminal Procedure, 1973" shall be substituted; 5 of 1898. 2 of 1974.

(*b*) for the figures and letter "99C", the figures "96" shall be substituted.

Amendment of section 34.

19. In section 34 of the principal Act, in the proviso, for the words "that sum has been received from the addressee", the words "the postal article has been delivered to the addressee" shall be submitted.

Amendment of section 36.

20. In section 36 of the principal Act, in sub-section (*1*),—

(*a*) for the words "with the United Kingdom, or with any British possession, or foreign country", the words "with any foreign country" shall be substituted;

(*b*) for the words "and the United Kingdom or such possession or country", the words "and such country" shall be substituted.

Amendment of section 37.

21. In section 37 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) in clause (*a*), the word "and" at the end shall be omitted;

(*ii*) after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) provide for the levy of such further charges as may be necessary for the return of undelivered postal articles, or of any class thereof, to the sender.";

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) Every undelivered postal article, after being detained at a post office for the period prescribed under clause (*a*) of sub-section (*2*), shall be forwarded—

(*a*) to the post office at which it was posted for return to the sender on payment of the charges prescribed under clause (c) of sub-section (*2*); or

(*b*) to such office as may be prescribed by rules made under this section.".

Omission of section 38.

22. Section 38 of the principal Act shall be omitted.

Substitution of new section for section 39.

23. For section 39 of the principal Act, the following section shall be substituted, namely:—

Disposal of undelivered postal articles.

"39. (*1*) Every postal article received at the office referred to in clause (*b*) of sub-section (*3*) of section 37, shall be dealt with in such manner as the Central Government may, by rules, prescribe.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the manner in which the postal articles referred to in sub-section (*1*) may be opened for ascertaining the particulars of the sender or the addressee;

(*b*) the manner in which the postal articles referred to in sub-section (*1*) may be returned to the sender or redirected and forwarded to the addressee and further charges for such return or redirection;

(c) the period of detention and the manner of final disposal of postal articles which are not disposed of in accordance with the provisions of clause (*b*);

(*d*) the manner in which any money found in any postal article or sale proceeds of any saleable property found in any postal article finally disposed of in accordance with the provisions of clause (c) shall be credited to the Post Office.".

Insertion of new section 43A. Time and manner of payment of money orders.

24. After section 43 of the principal Act, the following section shall be inserted, namely:—

"43A. Money orders shall be paid at such times and in such manner as the Director General may, by order, from time to time, specify.".

Amendment of section 44.

25. In section 44 of the principal Act, in sub-section (*2*), for the words "one year", the words "six months" shall be substituted.

Amendment of section 46.

26. In section 46 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Where arrangements made with any foreign country are in force for the issue and payment, through the Post Office, of money orders between India and such country, the Central Government may make rules to give effect to such arrangements.".

Insertion of new section 47A. Recovery of value-payable article.

27. After section 47 of the principal Act, the following section shall be inserted, namely:—

"47A. If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to pay the value of the value-payable article delivered to him without recovering the value of the article, such amount shall be recoverable by an officer of the Post Office authorised by the Post Master General in this behalf, from the person so neglecting or refusing as if it were an arrear of land revenue due from him.".

Amendment of section 52.

28. In section 52 of the principal Act, for the words "imprisonment for a term which may extend to seven years", the words "imprisonment for life or for a term which may extend to ten years" shall be substituted.

Insertion of new section 57. Stealing mail bag or postal article.

29. After section 56 of the principal Act, the following section shall be inserted, namely:—

'57. If any person—

(*a*) commits theft in respect of—

(*i*) a mail bag, or

(*ii*) any postal article in the course of transmission by post, or

(*iii*) any movable property out of a postal article in course of transmission by post, or

(*b*) stops a mail with intent to rob or search the mail,

he shall be punishable with imprisonment for life or for a term which may extend to ten years or with fine or with imprisonment and fine.

Explanation.—For the purposes of this section, the expression "mail" includes every conveyance by which postal article are carried, whether it be a ship, aircraft, vehicle, horse or any other conveyance and a person employed in conveying or delivering postal articles.'.

Amendment of section 58.

30. In section 58 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) the brackets and figure "(*1*)" shall be omitted;

(*ii*) for the words "with fine which may extend to fifty rupees for every such letter", the words "with imprisonment for a term which may extend to three years or with fine or with both" shall be substituted;

(*b*) sub-section (*2*) shall be omitted.

Amendment of section 59.

31. In section 59 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) the brackets and figure "(*1*)" shall be omitted;

(*ii*) for the words "with fine which may extend to fifty rupees for every such letter", the words "with imprisonment for a term which may extend to three years or with fine or with both" shall be substituted;

(*b*) sub-section (*2*) shall be omitted.

Insertion of new section 60A.

32. After section 60 of the principal Act, the following section shall be inserted, namely:—

Penalty for contravention of section 16.

"60A. Whoever contravenes any rule made under section 16, sub-section (*3*), clause (*da*), leading to leakage of revenue, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.".

Amendment of section 64.

33. In section 64 of the principal Act, for the words "by this Act", the words "by or under this Act" shall be substituted.

Amendment of section 67.

34. In section 67 of the principal Act, in the proviso, for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

Amendment of section 69.

35. In section 69 of the principal Act, for the word "letter", occurring at both the places, the words "postal article" shall be substituted.

Amendment of section 72.

36. In section 72 of the principal Act, the figures "58, 59," shall be omitted.

Insertion of new section 72A.

37. In Chapter X of the principal Act, after section 72, the following section shall be inserted, namely:—

Trial of offences.

"72A. (*1*) An offence under this Act may be tried by any court within the local limits of whose jurisdiction it was committed or the alleged offender is arrested or is in custody or, where the offence is in respect of a mail, mail bag, postal article, or money order or any movable property sent by post, within the local limits of whose jurisdiction the mail, mail bag, postal article, money order or movable property passed in the course of transmission by post.

(*2*) Abetment of an offence under this Act may be tried by any court by which the offence abetted may be tried.

(*3*) Nothing in this section shall affect the jurisdiction of a court competent to try an offence under this Act by virtue of the provisions of the Code of Criminal Procedure, 1973.". 2 of 1974.

Omission of section 73.

38. Section 73 of the principal Act shall be omitted.

Amendment of section 74.

39. In section 74 of the principal Act,—

(*a*) in sub-section (*3*), the words "and, on such publication, shall have effect as if enacted by this Act" shall be omitted;

(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

STATEMENT OF OBJECTS AND REASONS

The Indian Post Office Act was enacted in 1898. The Law Commission has in its Thirty-eigth Report made a number of recommendations for the revision of the Act. Thereafter, the matter was further examined in detail. This Bill seeks to give effect to such of the recommendations made by the Law Commission as have been found acceptable and it also seeks to make certain other amendments in the Act for dealing with difficulties which have been experienced in the working of the Act.

2. Section 26 of the Act provides that on the occurrence of any public emergency or in the interests of public safety and tranquillity, the Central Government or a State Government or any authorised officer may, by order in writing, direct that any postal article or class or description of postal articles in course of in such manner as the authority issuing the order may direct. There has been a demand that the provisions of this section should be reviewed. The Law Commission has, in its Report gone into the matter at great length. It is proposed to amend this section so as to clearly bring the provisions thereof within the limits permitted by the Constitution.

3. The following are the other important amendments which the Bill seeks to make in the Act:—

(*a*) The Bill provides for exemption from the purview of the exclusive privilege of the Central Government to convey letters, items like strictly personal letters, documents issued by court of justice or other authorities entitled to do so and letters concerning goods or property sent by any means without any consideration.

(*b*) The Bill seeks to empower the Central Government to search and seize packages containing letters posted in violation of the Act and the manner in which such power is to be exercised.

(*c*) The Bill seeks to empower the Central Government to grant rebate in the rates of postage in respect of postal articles on which postage is prepaid by means of stamping machines.

(*d*) Quite often, the registered newspapers have been found misusing the facility of concessional rates of postage to promote their commercial activities. To check the abuse of this facility, the Central Government intends to curb the transmission of catalogues or price lists along with the newspaper and also intends to restrict the transmission of Business Reply Cards along with the newspaper only for the *bona fide* subscription of that newspaper.

(*e*) With the increased use of franking machines by the mailers for reasons of economy and convenience, instances of tampering of these machines leading to leakage of revenue to the Government have come to notice. To check the abuse of this facility, the Central Government seeks to empower itself with the powers for inspection and seizure of such machines suspected to be used fraudulently leading to leakage of Government revenue.

(f) Under the existing provisions of the Act, Government accepts liability in respect of sums specified for recovery of delivery of value payable articles only when the sum has been received from the addressee. The Bill provides for the assumption of liability to pay even when such articles are delivered to an addressee without recovering the value by mistake. Consequent upon the assumption of this liability, it is proposed to empower the Central Government to collect the amount from the addressee as an arrear of land revenue, if the addressee neglects or refuses to pay the same on demand.

(g) The Bill seeks to make some of the punishments provided for in the Act more stringent.

4. It is also proposed to avail of the present opportunity to include in the Act a provision for the laying of rules made under the Act before Parliament.

5. The Notes on clauses explain in detail the various provisions of the Bill.

NEW DELHI; SANTOSH MOHAN DEV.

The 28th October, 1986.

Notes on clauses

Clause 2.—This clause seeks to omit the word 'Indian' from the expression 'Indian Post Office Act, 1898' to bring it into conformity with recent legislative practice.

Clause 3(a).—Sub-clauses (i) and (iv) seek to define the expressions 'Director General' and 'Post Master General' in the light of the changed set up in the Department. Sub-clause (ii) seeks to add the word 'letter-card' in the expression 'postal article' to make it comprehensive. Clause (v) seeks to define the expression 'stamping machine'.

Clauses 3(a) (ii), 10(a), 11, 17, 20 *and* 26.—These clauses seeks to omit the references to 'United Kingdom', 'British possessions', 'Her Majesty', etc., from the concerned provisions of the Act as they are no longer relevant.

Clause 3(b).—This sub-clause seeks to insert a new sub-section for construction of references to a law in the Act which is not in force in any area to be construed as a reference to the corresponding law, if any, in force in that area.

Clause 4.—This clause seeks to make the definition of the word 'delivery' more comprehensive by bringing the delivery of postal articles in letter deposit boxes and post boxes in its ambit.

Clause 5.—This clause enumerates the types of letters exempted from the purview of the exclusive privilege given to the Department for conveyance of letters. Under this clause, conveyance of strictly personal letters, documents issued by a Court of Justice or other authorities entitled to issue the same and letters concerning goods or property sent by air without any consideration also will be exempted from the exclusive privilege of conveyance of postal articles granted to the Department. It is proposed to widen the expression 'letters' so as to include "letter-cards" in it.

Clause 6.—This clause seeks to insert a new section 4A empowering the officers mentioned therein to exercise the powers of search and seizure in case of contravention of section 4. It also provides the manner in which this power is to be exercised.

Clause 7.—This clause seeks to include the owners or persons incharge of any aircraft on a flight between places in India in the list of persons expressly forbidden to convey letters.

Clause 8.—Sub-clause (a) seeks to empower the Central Government to make rules to grant rebate in the rates of postage in respect of postal articles on which postage is pre-paid and pre-sorted, etc.

Sub-clause (b) seeks to empower the Central Government to prescribe fees for any service as may be specified in relation to any postal article.

Clause 9.—This clause seeks to enumerate the eligibility criteria which a registered newspaper should have, to enjoy the concessional postage facility. Under this clause, a registered newspaper for the purpose of availing concessional postage facility should be published at such intervals as the Central Government may by rules prescribe, and should have a *bona fide* list of subscribers, and should be otherwise eligible for transmission by post under this Act.

Clause 10 (b).—This sub-clause seeks to insert a new sub-section in section 10, empowering the Central Government to make rules to give effect to arrangements in respect of postal articles mentioned therein.

Clause 12.—This clause seeks to empower the Central Government to make rules to regulate the use of stamping machines.

Clause 13.—This clause seeks to insert a new section 16A empowering the officer of the Post Office to enter the premises and inspect and seize the stamping machine in case of its misuse.

Clause 14.—This clause seeks to insert a new sub-section (4) in section 21 so as to empower the Central Government to issue an order indicating the manner of posting and delivery of postal articles in bulk and delivery of postal articles in multi-storeyed buildings, etc.

Clause 15.—This clause deals with the procedure to be observed before destroying the articles posted in contravention of the Act. Under the clause, before destroying any article posted in contravention of the Act, notices in writing are to be sent to the sender and the addressee and the article is to be destroyed only after the expiry of one month from the date on which the last of such notices is sent.

Clause 16.—This clause seeks to amend section 26 of the Act. Under this section, the Central Government or a State Government or any officer specially authorised for this purpose shall have the powers to direct that postal articles or class or description of postal articles in course of transmission by post shall be intercepted on the occurrence of any public emergency or in the interest of the public safety or tranquillity. To bring section 26 in line with the constitutional provisions, it is proposed to provide that on the occurrence of any public emergency, or in the interest of the public safety, or tranquillity, the Central Government or a State Government, or any officer specially authorised in this behalf by the Central Government or a State Government may if satisfied that it is necessary or expedient to do so in the interests of the sovereignty and integrity of India or the security of the State, or friendly relations with any foreign State or public order or for preventing incitement to the commission of an offence, by order in writing, direct that any postal article in the course of transmission by post, shall be intercepted or detained or shall be disposed of in such manner as the authority issuing the order may direct.

This clause also seeks to omit sub-section (2) of section 26 so as to provide for judicial review of any action taken under this section.

Clauses 18 *and* 34.—These clauses seek to amend sections 27C and 67 of the Act to replace the references to certain sections of the Code of Criminal Procedure, 1898 by the relevant sections of the Code of Criminal Procedure, 1973 which has since replaced the earlier Code.

Clause 19.—Section 34 of the Act provides that the Government shall not accept any liability in respect of the sum specified for recovery on delivery of value payable article until and unless that sum has been received from the addressee. This clause provides that the Central Government shall assume liability in respct of a case where value payable article is delivered to an addressee without recovering the value of the article by mistake.

Clause 21.—This clause seeks to empower the Central Government to frame rules for levying a further charge for returning the postal article to the sender and also seeks to substitute the post office as may be specified by the Central Government in place of Post Master General's office.

Clause 22.—This clause seeks to omit section 38.

Clause 23.—This clause seeks to substitute section 39 and provides for the manner of disposal of postal articles and further charges for return or redirection from the post office as specified by the Central Government under section 37(3).

Clause 24.—This clause seeks to make a general provision with regard to the time and manner of payment of money orders as similar provisions relating to registration and insurance already exist.

Clause 25.—This clause seeks to reduce the period for making a claim from one year to six months by the payee or remitter of money sent through money orders.

Clause 27.—Consequent upon assuming liability for a value payable article after its delivery to the addressee without recovering the value by mistake, it becomes necessary to assume power to recover such value as an arrear of land revenue, if the addressee neglects or refuses to pay the same on demand.

Clause 28.—Section 52 of the Act deals with the penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of postal articles. Under the section, the punishment for such an offence is imprisionment for a term which may extend to seven years and shall also be punishable with fine. This clause seeks to make the punishment more stringent by extending the imprisonment for life or for a term which may extend to ten years and shall also be punishable with fine.

Clause 29.—This clause is self-explanatory.

Clause 30.—This clause seeks to make the punishment more stringent for offences committed in violation of the exclusive privilege of conveyance conferred on the Government by providing for imprisonment for a term which may extend to three years or with fine or with both.

Clause 31.—This clause also seeks to make the punishment more severe for offences committed by persons who are expressly forbidden from conveying letters under section 5 of this Act.

Clause 32.—This clause provides for penalty for breach of any rule made under clause (da) of sub-section (3) of section 16.

Clause 33.—Section 64 of the Act deals with penalty for making false declarations. At present the section requires certain declarations to be made in respect of postal articles. Now it is proposed to bring within the ambit of this penal provision declarations which are required to be made not only by the Act but also by the rules made under this Act.

Clause 35.—Section 69 of the Act deals with the penalty for unlawfully diverting letters. The word 'letter is being replaced by 'postal article' to make the section more comprehensive.

Clause 36.—This clause seeks to specify the jurisdiction of courts for trial of offences committed under the Act.

Clause 37.—With enhancement of punishment provided in sections 58 and 59 of the Act, the offences punishable under the aforesaid sections would become cognizable. This clause, therefore, seeks to omit the references to sections 58 and 59 from section 72 of the Act.

Clause 38.—This clause seeks to omit section 73 of the Act which empowers the Central Government to make rules relating to management of zamindari and other district posts, as this system is not in vogue now.

Clause 39.—Section 74 of the Act empowers the Government to make rules for carrying out the purposes and the objects of the Act. The Act, however, does not provide for laying of the rules before both Houses of Parliament. This clause seeks to provide that rules framed under the Act will be laid before Parliament. This is in conformity with recent legislative practice.

FINANCIAL MEMORANDUM

Clause 19 of the Bill proposes to amend section 34 of the Indian Post Office Act, 1898 to provide for the assumption, by the Central Government, of liability in respect of sums specified for the recovery of delivery of value payable articles even when such articles are delivered to addressees without recovering the value by mistake. It is not possible to estimate the expenditure that would be involved on this since it depends upon the number of such articles delivered from time to time. Further, clause 27 proposes to insert new section 47A in the Act to provide that though the Government would first make the payment, the same would be recovered from the concerned addressee as an arrear of land revenue if the addressee neglects or refuses to pay the same on demand. Hence the expenditure from the Consolidated Fund of India may, in the final analysis, be *nil*.

2. Apart from the above, no other expenditure, whether recurring or non-recurring, is likely to be incurred if the provisions of the Bill are enacted and brought into operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill which seeks to amend section 8 of the Indian Post Office Act, 1898 proposes to empower the Central Government to make rules to grant rebate in the rates of postage in respect of postal articles on which postage is prepaid by means of stamping machine and the manner of pre-payments which are pre-sorted. It also empowers the Central Government to specify the manner of posting of such postal articles.

2. Clause 9 of the Bill seeks to amend section 9(2) of the Act to empower the Central Government to make rules for prescribing the number of intervals at which any registered newspaper should be published.

3. Clause 10 of the Bill proposes to insert a new sub-section (3) in section 10 of the Act so as to empower the Central Government to make rules to give effect to arrangements which are in force with any foreign country for the transmission by post of certain postal articles between India and such country.

4. Clause 12 of the Bill seeks to insert a new clause (da) after clause (d), in sub-section (3) of section 16 of the Act to empower the Central Government to make rules for regulating the use of stamping machines.

5. Clause 13 of the Bill proposes to insert a new section 16A to empower the Central Government to make rules for insepection and seizure of stamping machines used in contravention of the provisions of this Act and it further empowers the Central Government to make rules providing for the manner of dealing with the stamping machines seized under this clause.

6. Clause 14 of the Bill seeks to amend section 21 of the Act to empower the Central Government to make rules to specify—

(a) the number of postal articles which cannot be posted by a sender unless the same are pre-sorted and comply with such other conditions as may be specified in the rules;

(b) the number of postal articles, delivery of which may be made to an addressee only through a post box.

This clause further seeks to empower the Central Government to direct any owner or lessee or any addressee located in a multi-storeyed building or a building with large compound involving a distance of one hundred metres or more between the outer gate and the building or a building wherein any dog or other dangerous animals are let loose to fix deposit boxes for delivery of letters on the ground floor or at the gate of such building.

7. Clause 16 of the Bill proposes to substitute section 26 by a new section which empowers the Central Government or a State Government or any officer specially authorised in this behalf by that Govern-

ment to direct that any postal article or class or description of postal articles in course of transmission by post be intercepted or detained or disposed of in such manner as the authority issuing the order may direct. This power will, however, be exercised only where it is necessary or expedient so to do in the interests of the public safety, or tranquillity, the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or preventing incitement to the commission or any offence or the occurrence of any public emergency.

8. Clause 21 of the Bill proposes to amend sub-sections (2) and (3) of the Act to empower the Central Government to frame rules for levying of further charges for disposal of undelivered postal articles. It further empowers Central Government to prescribe the office where undelivered articles are to be sent.

9. Clause 23 of the Bill which seeks to substitute section 39 of the Act by a new section to empower the Central Government to make rules—

(a) regarding the manner of disposal of undelivered postal articles by the post office to be specified under clause (b) of sub-section (3) of section 37 and to provide for levy of further charges for return or redirection of such undelivered postal articles by such post office;

(b) regarding the manner in which any money found in postal articles or sale proceeds of any saleable property found in any postal article shall be credited to the post offices.

10. Clause 26 of the Bill proposes to substitute sub-section (1) of section 46 of the Act by a new sub-section to empower the Central Government to make rules to give effect to the arrangements made in any foreign country for the issue and payment (through the post office) of money orders between India and such foreign country.

The matters with respect to which rules may be made under the aforesaid provisions are matters of procedure or detail. The delegation of legislative power contained in such provisions, is, therefore, of a normal character.

SUBHASH C. KASHYAP,

Secretary-General.

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